

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION**

**JING GAO, ALVIN RABSATT, BARRY
NIXON, PATRICIA NIXON,
KATHERINE PIERCE, ARTHUR
PIERCE, MADISON LOWE, and
IOLANDA LOWE, on behalf of themselves
and all other similarly situated,**

Plaintiffs

VS.

BLUE RIDGE LANDFILL TX, LP,

Defendant.

[illegible]

C.A. NO. 3:16-cv-00323

JOINT MOTION FOR ENTRY OF
FIRST AMENDED DOCKET CONTROL ORDER

Plaintiffs and Defendant Blue Ridge Landfill TX, LP (the “Parties”), by and through their respective counsel, respectfully and jointly move the Court to enter an amended Docket Control Order. In support of this Motion, the Parties state as follows:

1. Since early in this litigation, counsel for the Parties have sought to conceive of a method by which this case might be resolved, thereby saving the Parties substantial time and expense, and reducing the oversight, time, and judicial resources that would otherwise be required of this Court.
2. In pursuit of an answer that might meet these goals, counsel for the Parties met in Chicago on July 13, 2017. At that time, some initial negotiations occurred, but no resolution was reached.

3. Following the Chicago meeting, counsel for the Parties continued to be in contact and ultimately agreed that the case should be mediated before launching into litigation that everyone agreed will be costly. After additional discussions and reviews of background information for numerous mediator-candidates, the Parties agreed on a mediator. The selected mediator had a full schedule, but all sides agreed it was worth waiting for her availability.
4. Although some discovery had begun (depositions of some class representatives were taken and each party had provided responses to initial written discovery), the Parties agreed that further discovery would become costly and sought to minimize such expense until after the mediation could occur. The rationale for this agreement is that expenses should not be wasted on discovery if a settlement is possible.
5. In late August, Hurricane Harvey hit the area. The difficulties and hardship suffered by all the Parties during and after the hurricane has effectively resulted in a suspension of the discovery process.
6. The Parties are scheduled to mediate the case in Houston on October 3, 2017.
7. Under the current Docket Control Order, discovery in the class certification phase of this case is set to close on October 30, 2017.
8. In light of the cost of class litigation and the effects of the hurricane in the Houston area, the Parties are committed to making every reasonable effort to resolve the case. However, if the case is not successfully resolved, additional time will be needed to conduct discovery in the class certification phase.

9. The Parties have conferred and reached agreement on a proposed amendment to the Docket Control Order. Counsel for all Parties have agreed to propose to the Court that, should the mediation be unsuccessful, all deadlines in the current Docket Control Order should be extended approximately 66 days.
10. Entry of the Parties' proposed First Amended Docket Control Order will still allow for timely and efficient progression of the case if mediation does not prove successful.

WHEREFORE, PREMISES CONSIDERED, the Parties pray the Court grant this Joint Motion, enter the proposed First Amended Docket Control Order, attached as Exhibit 1, and any other relief the Court deems just and proper.

Dated: September 21, 2017

/s/ Brenton J. Allison

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing is being served on counsel of record on this 21st day of September, 2017, by electronic service through email service:

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